IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HON'BLE MR. JUSTICE C.V. RAMULU

WRIT PETITION No. 5030 OF 2006

DATED: 23-11-2006

BETWEEN:

Tenali Karnudu

.....Petitioner

AND

Revenue Divisional Officer, Nuzvid

.....Respondent

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THE HON'BLE MR. JUSTICE C.V. RAMULU

WRIT PETITION No. 5030 OF 2006

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the respondent in cancelling the petitioner's authorization of fair price shop of Ameenapuram Village, Pamidimukkala Mandal, Krishna District as illegal and arbitrary.

It appears that the petitioner was the fair price shop dealer of Ameenapuram Village, Pamidimukkala Mandal, Krishna District. While so, his authorization was suspended and thereafter, the same was cancelled. Aggrieved by the same, the petitioner carried the matter in appeal before the Joint Collector, Krishna District. After hearing the petitioner, the Joint Collector set aside the order of cancellation and remitted the matter to the Revenue Divisional Officer for conducting fresh enquiry after issuing show cause notice to the petitioner. In view of the same, the Revenue Divisional Officer issued show cause notice dated 23-12-2005 for which the petitioner had submitted his explanation on 03-01-2006. After considering the same and on the basis of the report submitted by the Mandal Revenue Officer, Pamidimukkala, the Revenue Divisional Officer passed the impugned order cancelling the authorization of the petitioner.

Admittedly, as against the impugned order, the petitioner has an effective and alternative remedy of statutory appeal before the Joint Collector. Instead of approaching the appellate authority, the petitioner has ventured to file this writ petition directly. As no extraordinary circumstances have been brought to the notice of this Court, I am of the opinion that the writ petition cannot be entertained. Therefore, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed.

However, it is made clear that this order will not preclude the petitioner from filing an appeal before the appellate authority for working out his remedies. If the petitioner files the appeal, the same shall be entertained by the Joint Collector without raising any objection as to limitation. During the pendency of the appeal, no permanent arrangement shall be made against the fair price shop in

question.

(C.V. RAMULU, J)

Dated: 23-11-2006
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Note: Furnish copy in three days.
B/O